

ASSEMBLY BILL

No. 226

Introduced by Assembly Member Negrete McLeod

February 3, 2005

An act to amend Section 473.4 of the Business and Professions Code, relating to regulatory programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 226, as introduced, Negrete McLeod. Boards and commissions.

Existing law creates various boards to license and regulate professions and vocations and other matters. Under existing law, the Joint Committee on Boards, Commissions, and Consumer Protection is required to determine if a public need exists for the continued existence of a board based on specified factors.

This bill would also require the committee to consider as a factor whether the functions of the board would be accomplished more effectively if the board was replaced by a single executive officer.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 473.4 of the Business and Professions
- 2 Code is amended to read:
- 3 473.4. (a) The Joint Committee on Boards, Commissions,
- 4 and Consumer Protection shall evaluate and determine whether a
- 5 board or regulatory program has demonstrated a public need for
- 6 the continued existence of the board or regulatory program and
- 7 for the degree of regulation the board or regulatory program

1 implements based on the following factors and minimum
2 standards of performance:

3 (1) Whether regulation by the board is necessary to protect the
4 public health, safety, and welfare.

5 (2) Whether the basis or facts that necessitated the initial
6 licensing or regulation of a practice or profession have changed.

7 (3) Whether other conditions have arisen that would warrant
8 increased, decreased, or the same degree of regulation.

9 (4) If regulation of the profession or practice is necessary,
10 whether existing statutes and regulations establish the least
11 restrictive form of regulation consistent with the public interest,
12 considering other available regulatory mechanisms, and whether
13 the board rules enhance the public interest and are within the
14 scope of legislative intent.

15 (5) Whether the board operates and enforces its regulatory
16 responsibilities in the public interest and whether its regulatory
17 mission is impeded or enhanced by existing statutes, regulations,
18 policies, practices, or any other circumstances, including
19 budgetary, resource, and personnel matters.

20 (6) Whether an analysis of board operations indicates that the
21 board performs its statutory duties efficiently and effectively.

22 (7) Whether the composition of the board adequately
23 represents the public interest and whether the board encourages
24 public participation in its decisions rather than participation only
25 by the industry and individuals it regulates.

26 (8) Whether the board and its laws or regulations stimulate or
27 restrict competition, and the extent of the economic impact the
28 board's regulatory practices have on the state's business and
29 technological growth.

30 (9) Whether complaint, investigation, powers to intervene, and
31 disciplinary procedures adequately protect the public and
32 whether final dispositions of complaints, investigations,
33 restraining orders, and disciplinary actions are in the public
34 interest; or if it is, instead, self-serving to the profession, industry
35 or individuals being regulated by the board.

36 (10) Whether the scope of practice of the regulated profession
37 or occupation contributes to the highest utilization of personnel
38 and whether entry requirements encourage affirmative action.

1 (11) Whether administrative and statutory changes are
2 necessary to improve board operations to enhance the public
3 interest.

4 *(12) Whether the functions of the board would be*
5 *accomplished more effectively if the board was replaced by a*
6 *single executive officer.*

7 (b) The Joint Committee on Boards, Commissions, and
8 Consumer Protection shall consider alternatives to placing
9 responsibilities and jurisdiction of the board under the
10 Department of Consumer Affairs.

11 (c) Nothing in this section precludes any board from
12 submitting other appropriate information to the Joint Committee
13 on Boards, Commissions, and Consumer Protection.